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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORLAND DIVISION

OREGON TRADESWOMEN, INC., et al., Case No.: 3:21-cv-89-YY

Plaintiffs

v.

Defendants'
STATUS REPORT AND UNOPPOSED
MOTION FOR STAY

U.S. DEPARTMENT OF LABOR, et al.,

Defendants

Defendants U.S. Department of Labor; Office of Federal Contract Compliance Programs;

Martin J. Walsh, Secretary of Labor; and Jenny Yang, Director, Office of Federal Contract
Compliance Programs, request that the Court extend the present stay of this action for an
additional 120 days (until March 3, 2023), because the Department of Labor is considering

rescission of the rule at issue in this case. The defendants have discussed this request with the plaintiffs, who indicated they do not oppose the request to extend the stay.

The plaintiff organizations challenge a rule issued by the Department of Labor in December 2020, *Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption*, 85 Fed. Reg. 79,324 (Dec. 9, 2020), asserting claims under the Administrative Procedure Act, 5 U.S.C. §§ 551–559, 701–706. *See* First Am. Compl. for Declaratory and Injunctive Relief, ECF No. 13. The Defendants' Unopposed Motion for Stay, ECF No. 15, advised the Court that the Department of Labor intended to propose rescission of the December 2020 rule. On November 9, 2021, the Department of Labor published a notice of proposed rulemaking in the Federal Register, *Proposal to Rescind Implementing Legal Requirements Regarding the Equal Opportunity Clause's Religious Exemption*, 86 Fed. Reg. 62,115 (Nov. 9, 2021). The Department of Labor received over 5,200 comments on its proposal during the public comment period, which closed on December 9, 2021. The Office of Information and Regulatory Affairs within the White House Office of Management and Budget has received a draft final action from the agency, which is now pending regulatory review pursuant to Executive Order No. 12,866, 3 C.F.R. 638 (1994), *see* <https://www.reginfo.gov/public/do/eoDetails?rrid=253663>.

The Court earlier granted requests by the defendants to stay this action until May 11, 2021, *see* Order, ECF No. 16; August 9, 2021, *see* Order, ECF No. 24; November 8, 2021, *see* Order, ECF No. 27; March 8, 2022, *see* Order, ECF No. 30; July 6, 2022, *see* Order, ECF No. 35; and November 3, 2022, *see* Order, ECF No. 38.

In light of the ongoing rulemaking process, the defendants request that the Court extend the stay of this action for an additional 120 days (until March 3, 2023). At the end of that period, the defendants will file a further status report and any request to extend the stay, if appropriate.

Date: November 3, 2022

Respectfully submitted,

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s/ JAMES C. LUH

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